

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**PLAINTIFF'S ASSENTED-TO MOTION TO EXCEED PAGE LIMIT**

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Plaintiff CytoLogix Corporation has filed today a Motion for Remaining Claim Construction and Partial Summary Judgment of Infringement. Together with the Motion, CytoLogix has filed a Memorandum in Support of the Motion, a Local Rule 56.1 Statement of Material Facts, and a Declaration attaching exhibits.

For the Memorandum, CytoLogix seeks permission to exceed the Local Rule 7.1(B)(4) limit of 20 pages. The Memorandum includes 33 pages of text and a five page Appendix of infringement claim charts.

As grounds for this Motion, CytoLogix states that the Memorandum addresses, as efficiently as possible, all remaining claim construction issues (based on the parties' respective interrogatory responses), and seeks summary judgment of infringement of both patents-in-suit. CytoLogix submits that it could not address all these issues in a manner that would be clear to the Court in less than 20 pages.

WHEREFORE, CytoLogix requests that this motion be granted, and that the Court give CytoLogix permission to file a 33 page Memorandum with a 5 page Appendix.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

On September 25, 2007, counsel for Plaintiff, David A. Simons, spoke with counsel for Ventana, Roger Chin, by telephone, in a good faith effort to resolve or narrow the issues raised in this Motion. Ventana assented to this motion. CytoLogix agreed to assent to a similar request for extension of the page limitation for Ventana's Opposition.

Dated: September 27, 2007

/s/ Michael E. Zeliger

Michael E. Zeliger (BBO # 633654)  
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**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing PLAINTIFF'S ASSENTED-TO MOTION TO EXCEED THE PAGE LIMIT to be served upon counsel of record this 27th day of September, 2007 by filing it with the Court's ECF system.

/s/ David A. Simons